REMARKS

Claims 1-17 are pending in the application. Applicant presents amendments for claims 1-5 to be entered by the Examiner to more clearly define Applicant's invention. Claims 10-17 have been withdrawn from consideration. Support for these amendments can be found throughout the present application. Applicant reserves the option to further prosecute the same or similar claims in the present or a subsequent application. Applicant respectfully requests reconsideration of the subject patent application in light of the above amendments and below remarks. Applicant respectfully requests for entry of these amendments and remarks into the record of the subject application after final rejection to place the claims in better condition for appeal, if necessary.

Claim Rejections - 35 U.S.C. § 102(b)

Claims 1-9 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kruelskie, U.S. Pat. No. 3,914,085.

Independent claims 1 and 5 recite a vertically and horizontally adjustable lip assembly of an extrusion die comprising, among other things, a first die lip and a first end block, a second die lip and a second end block, a first adjustment mechanism coupled to the first die lip to adjust extrudate width and a second adjustment mechanism coupled to the first die lip to adjust extrudate thickness. Applicant respectfully submits that Kruelskie does not disclose each and every recited feature of independent claims 1 and 5.

Specifically, Kruelskie is directed to an extrusion apparatus comprising an extruder 11, a die 13, and a separate extrudate sizing or guide assembly 21. Kruelskie indicates that the die 13 includes an elongate extrusion orifice 15 through which the

foamable material is discharged. The extrusion orifice is defined in die face 16 by slidably mounted upper die plate 16a and lower die plate 16b retained within die plate 16 by retaining means such as dove tail joints. (Col. 2, lines 29-33).

Moreover, Kruelskie suggests that the extrusion orifice 15 can have a variable height to vary the thickness of the extrudate. Kruelskie discloses that the height dimension of the extrusion orifice 15 can be increased or decreased by using orifice adjusting means 17, 18. Specifically...

> The die 13 is adapted to receive the heat plastified thermoplastic expandable or foaming material from the discharge end 12 of the extruder 11 and discharge the foamable material from an elongate slot or extrusion orifice 15 defined in a die face 16 of the die 13 having a first and second pair of opposed sides. The die 13 has orifice adjusting means 17 and 18 adapted to vary the width or height of the elongate slot 15.
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> ***
>
> The die face 16 defines an adjustable die orifice 15 defined within the die face by means of slidably mounted die plates 16a and 16b retained within the die plate 16 by retaining means such as dove tails. An adjusting means 17 is in operative combination with the plate 16a. A second adjusting means 18 is in operative combination with the plate 16b permitting motion generally in the plane of the plate to vary the opening of the orifice 15.
>
> (Col. 2, lines 6-17, 28-36).

Independent claim 1 recites subject matter not described or suggested by Kruelskie. Specifically, independent claim 1 recites

> a first adjustment mechanism coupled to said first die lip for moving said first die lip and said first end block parallel to said second die lip and said second end block to adjust extrudate width, and
>
> a second adjustment mechanism coupled to said first die lip for moving said first die lip and said first end block perpendicular to said second die lip and said second end block to adjust extrudate thickness

In contrast to claim 1, Kruelskie only describes a mechanism that can adjust the vertical position of an upper die plate relative to a lower die plate.

Kruelskie does not disclose a die having a first die lip and a first end block, a second die lip and a second end block, a first adjustment mechanism coupled to the first die lip to adjust extrudate width and a second adjustment mechanism coupled to the first die lip to adjust extrudate thickness. Although Kruelskie states that "adjusting means 17 and 18 adapted to vary the width or height of the elongate slot 15" (Col. 3, lines 12-14) Kruelskie only describes structure to vary the height of the extrusion orifice 15 in one direction. It would be impossible to use the structure described by Kruelskie to vary the width of the extrusion. Thus, from Kruelskie's statement it appears that Kruelskie intends or has defined the term "width" as a synonym for "height." Moreover, there clearly is no disclosure or suggestion by Kruelskie that both the width and the height of orifice 15 can be varied. At most, the orifice of Kruelskie can only be varied in one direction. The dovetail joints that hold the upper and lower die plates in the die are only amenable to movement in one direction (i.e., vertically).

Separate and apart from the die 13, Kruelskie discloses that an extrude sizing or guide assembly 21 can be mounted on a front face of the die, proximate the orifice 15. (Col. 2,lines 36-49). The guide assembly 21 of Kruelskie includes adjustable shaping members 38, 38a, and forming members 43, 43a. However, as can be seen in FIG. 1 of Kruelskie, the sizing or guide assembly 21 is separate from and located downstream of the extrusion orifice 15. Kruelskie specifies extruding the foam from the orifice 15 and after such extrusion, using the forming faces of the guide assembly 21 to control the height of the expanded foam. (Col. 3, lines 14-21). Similarly, Kruelskie describes that

the width of the expanded foam can be subsequently controlled by adjusting the forming members. (Col 3, lines 21-24). Thus, Kruelskie is an apparatus and method of adjusting guiding faces and forming faces to adjust the shape of extruded foam after being passed through the extrusion orifice.

Even Kruelskie acknowledges that an extrusion orifice 15 is a separate and distinct feature from an "extrudate sizing or guide assembly 21" having adjustable shaping members 38, 38a and forming members 43, 43a. (Col.3, lines 14-15). Thus, Applicant respectfully submits that one skilled in the art would recognize a die lip (e.g., the lower edge of die plate 16(a) or the upper edge of die plate 16(b) that cooperate to form an extrusion orifice 15) is separate and distinct from the shaping members used to guide and shape the foam *after it has been extruded.* The "extrudate sizing or guide assembly" of Kruelskie is merely that -- a structural member used to size and/or guide material that has already been extruded; the guide assembly of Kruelskie does not function as the extrusion discharge orifice of a die. Rather, extrusion occurs at the orifice 15 of Kruelskie.

Applicant respectfully submits that claim 1 is allowable at least for the reasons described above. Thus, claims 2-4 depending therefrom are also necessarily allowable.

Moreover, dependent claim 2 recites:

> The vertically and horizontally adjustable lip assembly for an extrusion die claimed in claim 1 further comprising a third adjustment mechanism coupled to said second die lip for moving said second die lip and said second end block parallel to said first die lip to adjust extrudate width.

(Emphasis added). As described above, Kruelskie does not describe or suggest an "adjustment mechanism... to adjust extrudate width." Thus, dependent claim 2 patentably distinguishes over Kruelskie.

Likewise, claim 3 patentably distinguishes over Kruelskie in reciting "a fourth adjustment mechanism coupled to said second die lip for moving said second die lip and said second end block perpendicular to said first die lip and said first end block to adjust extrudate thickness." This combination of features is not described or suggested by Kruelskie.

Claim 4 also patentably distinguishes over Kruelskie in reciting a "vertically and horizontally adjustable lip assembly... wherein said lip assembly is mounted on an outside surface of said die, and said first adjustment mechanism and said second adjustment mechanism being operable during operation of said extrusion die to adjust said width and thickness of said extrudate." As discussed above, this combination of claimed features is not described, taught or suggested by Kruelskie.

As previously noted, independent claim 5 recites, among other things, (i) "a first mechanism for moving one of said first die lip and said first block and said second die lip and said second block parallel to the other of said first die lip and said first block and said second die lip and said second block during operation of the die to widen and narrow the width of said gap" and (ii) "a second mechanism for moving one of said first die lip and said first block and said second die lip and said second block perpendicular to said other of said first die and said first block and said second die lip and said second block to increase and decrease the height of said gap." As with independent claim 1, this combination of claimed features is not described or suggested by Kruelskie. Applicant respectfully submits that claim 5 is allowable, as amended, for the reasons described above. Thus, claims 6-7 depending therefrom are also necessarily allowable.

Moreover, dependent claim 6 recites that the claimed combination also includes "a third mechanism for moving vertically the other of said first die lip and said first block and said second die lip and said second block not moved by said first mechanism." The combination of features recited by claim 6 is similarly not described or suggested by Kruelskie.

Dependent claim 7 further recites "a fourth mechanism" "for moving horizontally the other of said first die lip and said first block and said second die lip and said second block not moved by said second mechanism." This combination of claimed features is also not described or suggested by Kruelskie.

Independent claim 8 recites, among other things, (i) "a first horizontal adjustment mechanism coupled to said top die lip for moving said top die lip horizontally relative to said top adaptor and said bottom lip," (ii) "a second horizontal adjustment mechanism coupled to said bottom die lip for moving said bottom die lip horizontally relative to said bottom adaptor and said top lip," (iii) "a top vertical adjustment mount secured to said top lip for vertically adjusting said top lip relative to said bottom lip and said top adaptor," and (iv) "a bottom vertical adjustment mount secured to said bottom lip for vertically adjusting said bottom lip relative to said top lip and said bottom adaptor." As with claims 1-7, Kruelskie does not specify or suggest this claimed combination of features. Applicant respectfully submits that claim 8 is allowable at least for the reasons described above. Thus, claim 9 depending therefrom are also necessarily allowable.

Moreover, dependent claim 9 recites an assembly further including "a first end block mounted adjacent to said top die lip and moveable horizontally and vertically therewith by said first horizontal adjustment mechanism and said top vertical adjustment

mount, and a second end block mounted adjacent to said bottom die lip and moveable horizontally and vertically therewith by said second horizontal adjustment mechanism and said bottom vertical adjustment mount." As with claims 1-8, Kruelskie fails to describe or suggest this claimed combination of features.

Therefore, for at least these reasons, independent claims 1, 5, and 8 are not anticipated by or made obvious in view of Kruelskie. Thus, independent claims 1, 5, and 8 are allowable. Dependent claims 2-4, 6-7, and 9, which depend directly from independent claims 1, 5, or 8, likewise are not anticipated by or made obvious by Kruelskie for at least the same reasons and, thus, are in a condition for allowance. Moreover, dependent claims 2-4, 6-7 and 9 are also patentably distinguishable over Kruelskie for the reasons described above.

Applicant submits that this Amendment After Final and the accompanying Remarks do not raise new issues for consideration or necessitate the undertaking of any additional search of the art by the Examiner because all of the elements and their relationships were either earlier claimed or inherent in the claims as examined. This Amendment After Final should therefore allow for immediate action by the Examiner.

Applicant also submits that entry of this Amendment After Final and the accompanying Remarks would place the present application in better form for appeal, should the Examiner dispute the patentability of any of the pending claims.

The Examiner is invited to contact the undersigned at (212) 294-3554 if any additional information or assistance is required. No fee is believed to be due. However, if any fees are due, please charge them to WINSTON & STRAWN Deposit Account No. 50-1814.

Respectfully submitted,

Date: 9/21/04

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The following items listed below are being filed herewith with the USPTO on **September 21, 2004**.

Express Mail No. **EV 346 811 745 US**			
Attorney Docket No.	Appln. Serial No./ Patent No.	Items - Documents filed on **September 21, 2004**	Patent Fees- Acct. #50-1814
86056-5200-USPT	**10/001,532**	**Amendment After Final (10 pages)**	**0**

Please acknowledge receipt of these items as received by returning the enclosed postcards with the date of receipt of September 21, 2004.

NY:890637.12